

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1809**

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### Introduced by Assembly Member Smyth

February 10, 2010

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An act to add Chapter 9.4 (commencing with Section 7199.5) to Division 3 of the Business and Professions Code, relating to home inspections.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1809, as amended, Smyth. Home inspections: energy audits.

Existing law provides that it is the duty of a home inspector, as defined, who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer, to conduct a home inspection, as defined, with the degree of care that a reasonably prudent home inspector would exercise. Existing law provides that a home inspection may include an inspection of energy efficiency, if requested by the client. Under existing law, a home inspection report is a written report consisting of specified information that is prepared for a fee and is issued after a home inspection.

Existing law, ~~the Warren-Alquist State Energy Resources Conservation and Development Act~~, requires the State Energy Resources Conservation and Development Commission (*Energy Commission*) to establish specified standards related to a statewide home energy rating

program for residential dwellings, known as the Home Energy Rating System (HERS) program.

This bill would authorize a home inspection to include, if requested by the client, an inspection of energy efficiency or *be accompanied by* a HERS home energy audit. If the client requests a HERS home energy audit, the bill would require ~~the that HERS audit accompanying any home inspection report to include certain additional specified information~~ *comply with certain standards established by the commission*. The bill would declare the intent of the Legislature that a HERS audit may, at the request of the client, be performed during escrow by a home inspector who is HERS certified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 9.4 (commencing with Section 7199.5)  
2 is added to Division 3 of the Business and Professions Code, to  
3 read:

4  
5 CHAPTER 9.4. HOME ENERGY RATING SYSTEM (HERS) HOME  
6 INSPECTIONS  
7

8 7199.5. (a) All home inspections, including those defined in  
9 paragraph (1) of subdivision (a) of Section 7195, may, if requested  
10 by the client, include an inspection of energy efficiency or *be*  
11 *accompanied by* a Home Energy Rating System (HERS) California  
12 home energy audit ~~established by pursuant to~~ Section 25942 of  
13 the Public Resources Code.

14 (b) If the client requests a HERS California home energy audit  
15 ~~established by pursuant to~~ Section 25942 of the Public Resources  
16 Code, the HERS California home inspection report ~~or the~~  
17 *accompanying any* home inspection report defined in subdivision  
18 (c) of Section 7195 shall, ~~at a minimum, also include all of the~~  
19 ~~following information:~~ *comply with the standards established by*  
20 *the Energy Commission for HERS California home energy audits.*

21 ~~(1) An overview of how the home works as a system and how~~  
22 ~~to prioritize actions.~~

1     ~~(2) Quality installation of heating, ventilating, and~~  
2     ~~air-conditioning (HVAC) equipment including proper sizing of~~  
3     ~~equipment, duct sealing, and refrigerant charge and air flow.~~

4     ~~(3) Quality building envelope air sealing and proper levels of~~  
5     ~~insulation.~~

6     ~~(4) An overview of ENERGYSTAR or better products and~~  
7     ~~appliances.~~

8     ~~(5) Information regarding access to a comprehensive home~~  
9     ~~energy audit.~~

10    ~~(6) Nonenergy benefits of improving the energy efficiency of~~  
11    ~~the home including reduction of carbon emissions.~~

12    ~~(7) A general statement regarding opportunities to improve the~~  
13    ~~thermal envelope, mechanical equipment, lighting, and appliances~~  
14    ~~in the home.~~

15    ~~(8) A general discussion of concerns regarding combustion~~  
16    ~~safety.~~

17    7199.7. It is the intent of the Legislature that a Home Energy  
18    Rating System (HERS) California home energy audit may, at the  
19    request of the client, be performed during escrow by a home  
20    inspector who is HERS certified.